(Cut along dotted line)
Case 2:15-cv-06338-ES-MAH Document 1 Filed 08/17/15 Page 1 of 16 PageID: 1 (Note to Applicant: forward a copy of this Account Certification Form to each institution in which you have been confined for the six-month period prior to the date of this application.)

The sthe ORIGINAL Copy &

ACCOUNT CERTIFICATION FORM

I certify that the attached trust fund account statement (or institutional equivalent) is true and correct.

ELLEN ALCHEVSKY

SECTION SUPERVISOR
Pursuant to the Prison Litigation Reform Act, you will be obligated NOTICE TO PRISON OFFICIALS: to forward payments to the appropriate United States District Court if the prisoner herein is granted leave to proceed in forma pauperis. 28 U.S.C. § 1915(b)(2) (April 26, 1996). Pursuant to that statute, once an initial partial fee is paid, the prison official in charge of the prisoner's account must forward payments of 20% of the income credited to the prisoner's account during the preceding month, each month the amount in the account exceeds \$10.00, until the entire filing fee has been paid.

Case 2:15-cv-06338-ES-MAH, Document 1 Filed 08/17/15 Page 2 of 16 PageID: 2 FORM TO BE USED BY A PRISONER IN FILING A RECEIVED CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

	. 1 2013
AT	8:30
,,,	MILLIAM
	WILLIAM T WALSH
	CLEBK

AUG 17 2015

(Enter above the full name of the plaintiff in this action)	:	COMPLAINT
(Line Line is a line planta in the Londing	:	
٧.	: Civil	Action No.
		(To be supplied by the Clerk of the Court)
SCO ROMAN; Set KRUSOWSKI;	:	
, -		And the second
CINDY SWEENEY;	:	
, N.J. D.O.C.,	:	
Northern State Prison; State of Ne	a Jersey	
	:	
(Enter above the full name of the defendant or defendants in this action)		
	:	

<u>INSTRUCTIONS</u> – <u>READ CAREFULLY</u>

- 1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
- 2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
- 3. You must provide the full name of <u>each</u> defendant or defendants and where they can be found.
- 4. You must send the original and one copy of the complaint to the Clerk of the District Court.

 You must also send one additional copy of the complaint <u>for each defendant</u> to the Clerk. Do not send the complaint directly to the defendants.
- 5. Upon receipt of a fee of \$150.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

Case 2:15-cv-06336 QBM FAND B BOOK FROM AFREW SOME FROM FROM B 16 PageID: 3 CIVIL RIGHTS COMPLAINT

6. If you cannot prepay the \$150.00 filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth below. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

The Prison Litigation Reform Act of 1996 ("PLRA"), effective April 26, 1996, has made significant changes to the <u>in forma pauperis</u> statute, 28 U.S.C. § 1915. The statute no longer provides for waiver of court filing fees for prisoners who are granted leave to proceed <u>in forma pauperis</u>. A prisoner who is granted leave to proceed <u>in forma pauperis</u> is not required to pay the filing fees in advance, but the prisoner is obligated to pay the entire filing fee in installment payments regardless of the outcome of the proceeding. This obligation to pay the filing fee continues even if the prisoner is transferred to another prison. Therefore, before submitting this application to the Clerk of the Court, a prisoner should consider carefully whether he or she wishes to go forward with the action.

The PLRA obligates prisoners who are granted in forma pauperis status to pay the entire filing fee in the following manner, regardless of the outcome of the litigation. 28 U.S.C. § 1915(b)(1) and (2). The agency having custody over the prisoner shall deduct from the prisoner's institutional account and forward to the Clerk of the Court (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to the prisoner's institutional account each month the amount in the account exceeds \$10.00, until the \$150.00 filing fee is paid. 28 U.S.C. § 1915(b)(1) and (2). However, a prisoner who has no assets and no means by which to pay the initial partial filing fee will not be prohibited from bringing a civil action. 28 U.S.C. § 1915(b)(4).

Each prisoner plaintiff who desires to proceed in <u>forma pauperis</u> must submit the following to the Clerk of the Court:

- a. a completed, signed, and dated application to proceed in <u>forma pauperis</u> (attached hereto); and
- b. a certified copy of your prison account statement for the 6-month period immediately preceding submission of this application, listing the account balance and all deposits into the account. A prison account statement must be obtained from the appropriate official of each prison at which you are or were confined during the preceding 6 months.
- 7. If your application to proceed in <u>forma pauperis</u> does not conform to these instructions, you will be notified by letter of the nature of the deficiencies. If these deficiencies are not cured within 120 days of the date of the letter, the complaint will be deemed withdrawn, the Clerk's file will be closed, and no fees will be assessed against you.
- 8. If you are given permission to proceed in forma pauperis, the Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States

9 X Case 2:15-cv-063380 FRM MTO BEDUSEDE BY LA FIRE ON ET LA FRANCO 4 OF 16 PageID: 4 CIVIL RIGHTS COMPLAINT

Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

		QUESTIONS TO BE ANSWERED			
1.	Juris	Jurisdiction is asserted pursuant to (CHECK ONE)			
	V	42 U.S.C. § 1983 (applies to state prisoners)			
		Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)			
	lf yo belo	u want to assert jurisdiction under different or additional statutes, list these w:			
2.	viously Dismissed Federal Civil Actions or Appeals				
	frivo note brou for fa statu	ral court while you were incarcerated or detained in any facility, that was dismissed as lous or malicious, or for failure to state a claim upon which relief may be granted. Please that a prisoner who has on three or more prior occasions, while detained in any facility, ight an action or appeal in a federal court that was dismissed as frivolous or malicious, or ailure to state a claim upon which relief may be granted, will be denied in forma pauperis us unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C 15(g).			
	a.	Parties to previous lawsuit:			
		Plaintiff(s):			
		Defendant(s):			
	b.	Court and docket number:			
	C.	Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted			

9X

Case 2:15-cv-06338-ES-MAH Document 1 Filed 08/17/15 Page 5 of 16 PageID: 5 FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

	d.	Approximate date of filing lawsuit:	
	e.	Approximate date of disposition:	
		ere is more than one civil action or appeal, describe the additional civil actions or appeals g this same format on separate sheets.	
3.	Place of Present Confinement? <u>NEW JERSEY STATE PRISON (TRENTON</u>)		
4.	Parti	es _•	
	-	em (a) below, place your name in the first blank and place your present address in the nd blank. Do the same for additional plaintiffs, if any.)	
	a. N	ame of plaintiff: William Mc WhorTER	
	A	ddress: <u>f.O. Box 861 - Trenton, N.J. 08625</u>	
		,	
		rst defendant name: (SEE Attached Papers for rest)	
		fficial position: Statof New Jersey	
	P	lace of employment: New Jersey	
	Н	ow is this person involved in the case? (i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)	
	Z	he state of New Jersey failed to Notice the poor runwing of the	
	. <u>D</u>	repartment of Correction in Newsbursky As well as the corruption	
	0	ENorthern State Prison, its Officers staffe with This Makes	
	<u>. 1</u>	hen Equally responsible for the action flor NON-Action of those	
		Tho work under color of State Law.	

Case 2:15-cv-063320 FM Mr & BEDOSETTO-BY A FIRST ON ET IN FINANCE APT 16 PageID: 6 CIVIL RIGHTS COMPLAINT

	Second defendant name:
	Official position:
	Place of employment:
	How is this person involved in the case? (i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)
d.	If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.
re	reviously have sought informal or formal relief from the appropriate administrative officials garding the acts complained of in the Statement of Claims on page 6. Yes No
-	
, 49	nom you sought relief, and the results.
<u></u>	· · · · · · · · · · · · · · · · · · ·
	The submitted many and sufficient grievances as well as multiple
18	The submitted many and sufficient grievances as well as multiple
18 4h	The submitted many and sufficient grievances as well as multiple there to the administration who didn't respond to such thus condonin
18 4h 8×	The submitted many and sufficient grievances as well as multiple there to the administration who didn't respond to such thus condoning eactions of their staff. Such actions not only caused me harm but
18 44 8×	nom you sought relief, and the results. NE Submitted many and sufficient grievances as well as multiple. Hers to the administration who didn't respond to such thus condoning eactions of their staff. Such actions not only caused me harm but adangered my life, Health and well being.
18 44 8×	nom you sought relief, and the results. NE Submitted many and sufficient grievances as well as multiple. Hers to the administration who didn't respond to such thus condoning eactions of their staff. Such actions not only caused me harm but adangered my life, Health and well being.
18 44 8×	We submitted many and sufficient grievances as well as multiple there to the administration who didn't respond to such thus condoning eactions of their staff. Such actions not only caused me harm but adapted my life, Health and well being.
18 4h 8×	nom you sought relief, and the results. NE Submitted many and sufficient grievances as well as multiple. Hers to the administration who didn't respond to such thus condoning eactions of their staff. Such actions not only caused me harm but adangered my life, Health and well being.

Case 2:15-cv-06338-ES-MAH Document 1 Filed 08/17/15 Page 7 of 16 PageID: 7 FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

6. Statement of Claims

(State here as briefly as possible the <u>facts</u> of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

SCO. ROMAN ASSAUlted & SEXUALLY ASSAULTED ME AS Well AS threatened My life devied Me Medical & Mental health services . Date's 2014 KNOWN Dates I can't Femember last fine was between August - September o All happenedon Ywing Ad-seg . Sgt. Krasowski Knew what was going ON because I told him? he got mad he allowed ROMAN to derly Me food condoning? participating in the Mistreatmento Civily Sideeney which is the Administrator or Assistant Administrator I wrote thru regular Mail? put a stamp on to She walked thru Adseq one day? I asked her if she received my letter she said No. SOI gave her a copy I putiton her hands my self? I to 1) her its bigger then what in the letter but I was scared to put everything for fear of retaliation so she said I will be walking thru next week seeme then, however I endured the mistrest ment for ANOTher week, But Mrs. Sweeney comments Never showed sip the followy week. OPlace All this took place 4 wing Ad Seg Date 2014 ROMAN & Krasowski violated my religious Beliefs Also, Northern State Prison the most corrupt Prison in New Jersey & hired these people not these people enclosed. These people work for the state of vew sersey \$50 New Sersey hired people they swore to protect proportion Society from these People are Criminals also o

Case 2:15-cv-063320 FM MAH BEDUSHED BY A FIRST ON EN THE FRANKE SAOF 16 PageID: 8 CIVIL RIGHTS COMPLAINT

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(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

Sco. ROMAN & Sqt. Krasowske I want you to have then Fired from N.J.DOC, to have then pay Me (3) three Million dollars a piece its Negotiable i Apologize tome. Mrs. Sweeney have ner pay Me(2) + 200 Hilliandollars its Negotia Ble i apologize As for Northern State Prison 3 N.J. DOC have they PAYMELIOITENMILLION DOLLARS A PIECE its Negotiable

2 closely SCAN the C.O. Sthey hire othe state of New Jersey
have them PAY Mel50) Fifty Million bollars. This is negtiable also. 8.

Do you request a jury or non-jury trial? (Check only one) (Jury Trial) Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 th day of Augu

¹ EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.

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How is this person involved in the case?

Sco. Roman , works as a security correction officer at northern state Prison, and works under color of state Law. While in his capacity to protect, secure and maintain order, he is responsible because he purposely violated my body, person and rights while displaying multiple non-policy actions against me. He grabbed my penis and testicles in a sexual manner. When I protested such actions (while hand cupped) he cursed at me. I said: I want a sqt. and that I intend to write this up. Sco. Roman Summoned fellow officers, who helped him beat me up with Ricks, punches and grabs to my private areas. I tried to speak to Sqt. Krasowski but he along with Sco. Roman and other officers came into my cell and physically assaulted me while saying: Sa you're going to tell, well lets see how you feel about that after we're done with your ass. And they beet me up again with multiple Ricks and punches.

One day I must've had a seizure because I woke up in medical. I called Ombudsman and told them about the beatings and sexual assaults. A pew days later I spoke
with S.I.D. and a couple days afterwards, I was sent to Trenton State Prison.
The actions mentioned happened in August and September of 2014. Other actions
that happened while at northern state are, when I'd offer Prayer, Sco. Roman and
Soft Krasowski would bang on the cell door while I was praying and say! get the fuck
up you fake ass muslim. I would ask to see the psychiatrist, Sco. Roman and Soft.
Krasowski would say: Kill yourself and save tax pager doilars, when they searched
my cell, they'd destroy my canteen and ripped the cord off of my TV- My Qu'ran and
frayer Rug were put in the toilet. Sco. Roman and Soft krasowski would call me a
terrorist. Then they along with other officers would jump me and beat me up. Also
when I had seizufes Roman would tell me what he done to me like stick his
fingers IN My Asshole, he would tell me what he done to me like stick his

William Me Whorth 8/10/15 They would get away with it because I was in sell 26 which is out of the view of the camera (s). I have selzures and was not suppose to be in a blind spot cell but in a cell where I could be seen. Note: Some of the assaults and sexual assaults are on record with Northern State Prison's administration; S.I.D.; Combudsman and Trenton State Prison's administration. I spoke with S.I.D. here at Trenton and Im appaid of Retaliation. All that was done is, I was punished. In 2014 I was phylically assaulted which led me to a trip to U.M.D. N.J. in Newark with a dislocated wrist. I was sexually assaulted by Sco. Roman who while I was hand-curred coming from medical, put his hand down my pants and between my butt crack and pingered my anus.

HE then pushed me into my cell and shut the door. I yelled por a set, then soon Roman told me to shut or next time it will be worse. He that day Blindspot Cuffed Sexually assaulted me in the while I was will. This happened on multiple occasions.

I feared for retaliation before but now that I let this out I don't know what can happen to me

2.

william Me Whoster 8/10/15

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M. How is this person involved in the case?

Soft. Krasowski , works as a correction officer supervisor at Northern State Prison and works under color of State Law. While In his capacity to protect, secure and maintain order, he oversees those officers under him. He is responsible for those officers whose actions purposely violated my bady, person and rights while displaying multiple non-policy actions against me. He purposely condoned and participated in those non-policy actions by those officers under his charge and command. When I spoke with Soft Krasowski, he said: what do you expect me to do, I'm with them, he then walked away, and he was laughing. The days pollowing, I was devied pood, use of the phone as well as in coming and outgoing mail. I did get some legal mail which was during first shift. Soft. Krasowski condoning and participating in multiple non-policy actions puts me in fear for my life.

HE along with Sca. Roman" and others would take me to a blind spot of the cameras and beat me up. Sot Krasowski and Sco. Roman" would say loudly: he's having a Seizure which I really wasn't, He would watch as Sco. Roman" sexually assaulted Blandshot as well as in my cell (#24). Sot Krasowski would participate in the searching of my cell, destroy and eating of my canteen. He would disrespect my religious Belief by tossins my Qu'ran and frayer rug": In the toilet, and then thrown onto the ploor of my cell. I requested to speak with their superiors and I was told that they were more superior than I am. I saw administrator Civily Sweeney., I told her that I mailed a slip to her which she said that she never received it. I then personally gave her a copy to read. She read it and nothing happened but that night, Sco. Roman, soft Krasowski and other officers came to my cell to take me to medical but instead, I was taken to a blind spot and they beat me up again. Soft Krasowski participated and Said: If you tell again, it will be worse for you, you terrorist!

William McWhater 8/10/15

1.

. How is this person involved in the case ?

Admin. Clindy Sweeney, being administrator at northern State Prison, works under color of State law and is equally responsible for the actions and non-actions of those persons working under her and whom she set and obligate to enforce policy. Her failures to follow up and investigate my claims only solidifies the non-policy and common practices displayed by those set forth and mentioned in my claim. Her neylectfulness caused continuous abuse of physical and sexual assaults upon the by those officers whom all work under her command, thus purposely violating my rights. I saw Ms. Sweeney and awared her that I mailed her letters of complaint. Had that I was wandering whether or not she received any of such, to which she answered No. I then personally gave her a copy of said letter which she read.

Els. Cindy Sweeny" was well awake of the events of sexual assaults upon me as well as the physical assaults consisting of beating out of the view of the cameras. Hiso that, multiple complaints authored by his were sent to her office without Response. Her fallure to investigate forced me to endure such sexual and physical assaults upon me by her staff. Such actions displayed by her and her staff depicts purposeful intent to not only violate me but my Rights also, thus making her equally responsible.

William McWharter 8/10/15

Case 2:15-cy-06338-ES-MAH, Document 1 Filed 08/17/15 Page 13 of 16 PageID: 13

. How is this person involved in the case ?

Northern State Prison, (NSP), The State of New Jersey and the city of Mewark allowing northern state Prison to exist and work as a correction facility enpowers such to work under color of State Law, making NSP Equally Responsible in it's capacity as a Housing /Detention facility for the actions and non-actions of those person whom are also expowered to maintain order, security and protect those persons both confined and working in some sort of working position. Those person owning and/or responsible for the operating of NSP while utilizing it as a facility to confine state prisoners, make NSP Equally responsible for the action and non-actions of those employed within.

Also for the non-policy actions which are use as common practice procedures.

The policy and procedures allocated to <u>NSP</u> being inpringed upon my any stapp member, depreciates the rights of those being violeted and/or abused. Such actions makes <u>NSP</u> Equally responsible.

William McWhorter 8/10/15 New Jersey bepartment of Corrections, Is responsible for Prison guards in New Jersey: who allowed these same Northern State Prison Grand's to be come state officials in N.s.P. o N.J.D.O.C. who works under the color of state laws as equally responsible for the things that happened to me As the ones who done the act there selves. The Admin. Cindy Sweeney who N.J.D.O.C. seen fit to hire done nothing to help me after I informed her of being violated at Northern state Prison as well as I did o ther people who work in the New Jersey Department of Corrections. I'm in Jail to pay for the Crimes i've done not to violated by officers of the state that hide under the colors of N.J.D.O.C.

N. J. D. O. C.

I've been incarcerated since May 21, 2005 which
Means i've been locked up over Ten years? this is the
first time something this Horric has ever happened to me o
Ican barely sleep because of hight mares now not only has
Mymother, Daughters mother? My Daughter been sexually Assaulted
But
I have been too? As a Man how can I tell this to my
som by me being under the protection of the New serry Department
of Correction they are held responsible for me being violatedo

William Me Whorter 8/10/15 Northern State Prison-ACSU

Newark, NJ

Chart Summary January 23, 2014

WILLIAM MCWHORTER Inmate Housing Location: Northern State Prison-ACSU

Male DOB: 08/03/1973 SBI #: 000760571B Booking #: 536884

Patient Information

Home Phone: Name: WILLIAM MCWHORTER Office Phone: Address: NSP-ACSU-4W-111B

10/28/2005.

Fax: Patient ID: 44274-0356001

Status: Active Birth Date: 08/03/1973

Marital Status: Undetermined Gender: Male Race: Black

Contact By: Language:

Soc Sec No: 142-58-1678

Booking #: 536884 Resp Prov:

Emp. Status: Referred by:

Sens Chart: No Email: **SBI #**: 000760571B Home LOC: Northern State Prison-ACSU

Problems

PSYCHOTIC DISORDER NOS (A1) (DS4-298.9)

? of POSTTRAUMATIC STRESS DISORDER (A1) (DS4-309.81)

PERSONALITY DISORDER NOS (A2)'B' CLUSTER (DS4-301.9)

SEIZURE, GRAND MAL (ICD-345.10)

MYOPIA (ICD-367.1)

ASTIGMATISM (ICD-367.2)

Hx of HYPERTENSION, BENIGN (ICD-401.1)

BLOOD CHEMISTRY, ABNORMAL (ICD-790.99)

Hx of HYPERTHYROIDISM (ICD-242.90)

CONSTIPATION, CHRONIC (ICD-564.09)

OTITIS (ICD-382.9)

Hx of GUNSHOT WOUND ABDOMEN 2003 (ICD-E922.9)

Sx of CHEST PAIN (ICD-786.50)

Hx of GUNSHOT WOUND ABDOMEN & SPINE 2003 (ICD-E922.9)

R/O PNEUMONIA (ICD-486)

Hx of HIP PAIN, RIGHT (ICD-719.45)

RESIDUAL FOREIGN BODY IN SOFT TISSUE METAL RIGHT HIP XRAY (ICD-729.6)

FREQUENCY, URINARY (ICD-788.41)

Medications

CARBAMAZEPINE ER 400 MG XR12H-TAB (CARBAMAZEPINE) 1 tab po BID x 365 d

Last Refill: #. x .: Natalia Watkins, APN (08/14/2013)

LISINOPRIL 10 MG TABS (LISINOPRIL) 1 tab po daily x 365 d

Last Refill: #. x .: Natalia Watkins, APN (08/14/2013)

IBUPROFEN 800 MG TABS (IBUPROFEN) 1 tab bid prn pain

Last Refill: #/ x 0 : Francis Meo, MD (11/15/2013)

DILANTIN 125 MG/5ML SUSP (PHENYTOIN) 500 mg po qd x 365 days

Last Refill: #. x . : John Godinsky, MD (11/30/2013)

HYDROCHLOROTHIAZIDE 25 MG TABS (HYDROCHLOROTHIAZIDE) 1 tab po daily x 365 d

Last Refill: #. x .: Natalia Watkins, APN (03/05/2013)

ABILIFY 5 MG TABS (ARIPIPRAZOLE) Take one tablet HS PO for 60 days

Last Refill: #. x 0 : Manuel O. Garcia, MD (12/12/2013)

REMERON 30 MG TABS (MIRTAZAPINE) Take one tablet HS PO for 60 days

Last Refill: #. x 0 : Manuel O. Garcia, MD (12/12/2013)

PHENOBARBITAL 32.4 MG TABS (PHENOBARBITAL) (3 tabs = 97.2mg) PO BID x 180 days

ADDENDUM TO AFFIDAVIT IN SUPPORT OF PRISONER'S MOTION TO PROCEED WITHOUT PREPAYMENT OF FEES, 28 U.S.C. § 1915 (1996)

Notice to Litigant

The Prison Litigation Reform Act of 1996 ("PLRA"), effective April 26, 1996, has made significant changes to the <u>in forma pauperis</u> statute, 28 U.S.C. § 1915. The statute no longer provides for waiver of court filing fees for prisoners who are granted leave to proceed <u>in forma pauperis</u>. A prisoner who is granted leave to proceed <u>in forma pauperis</u> is not required to pay the filing fees in advance, but the prisoner is obligated to pay the entire filing fee in installment payments regardless of the outcome of the proceeding. This obligation to pay the filing fee continues even if the prisoner is transferred to another prison. Therefore, before submitting this addendum to the Clerk of the Court, a prisoner should consider carefully whether he or she wishes to go forward with the action.

The PLRA obligates prisoners who are granted in forma pauperis status to pay the entire filing fee in the following manner, regardless of the outcome of the litigation. 28 U.S.C. § 1915(b)(1) and (2). The agency having custody over the prisoner shall deduct from the prisoner's institutional account and forward to the Clerk of the Court (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to the prisoner's institutional account each month the amount in the account exceeds \$10.00, until the \$150.00 filing fee is paid. 28 U.S.C. § 1915(b)(1) and (2). However, a prisoner who has no assets and no means by which to pay the initial partial filing fee will not be prohibited from bringing a civil action. 28 U.S.C. § 1915(b)(4).

Each prisoner plaintiff who desires to proceed in forma pauperis must submit the following to the Clerk of the Court:

- a. a completed, signed, and dated application to proceed in forma pauperis; and
- b. a certified copy of your prison account statement for the 6-month period immediately preceding submission of this application, listing the account balance and all deposits into the account. A prison account statement must be obtained from the appropriate official of each prison at which you are or were confined during the preceding 6 months.